

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAORLANDO GARCIA,
Plaintiff,

v.

QUONG FOOK TONG,
Defendant.

Case No. 21-cv-05539-JCS

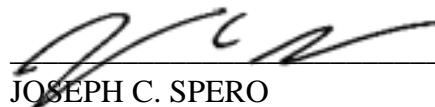
ORDER TO SHOW CAUSE

On March 8, 2022, Defendant moved to dismiss this case for lack of subject matter jurisdiction. That motion primarily addresses standing and does not address supplemental jurisdiction. In addition to addressing the arguments Defendant has raised, Plaintiff Orlando Garcia is ORDERED TO SHOW CAUSE why, if the Court determines that it has subject matter jurisdiction over Garcia's federal claim under the Americans with Disabilities Act ("ADA"), the Court should not decline to exercise supplemental jurisdiction over Garcia's state-law Unruh Act claim for the reasons stated in *Arroyo v. Rosas*, 19 F.4th 1202 (9th Cir. 2021). Although that decision held that a district court erred in declining to exercise jurisdiction over an Unruh Act claim when the court had already determined the plaintiff was entitled to judgment on a parallel ADA claim, the Ninth Circuit had "little difficulty concluding that the district court did not abuse its discretion in concluding that the situation presented . . . involves 'exceptional circumstances'" sufficient to decline supplemental jurisdiction if the issue had been raised at an earlier stage of the case. *Id.* at 1214. Accordingly, Garcia's opposition brief, which is due March 22, 2022, must address why exercising supplemental jurisdiction over his Unruh Act claim is appropriate if any

portion of the case survives Defendants' motion.

IT IS SO ORDERED.

Dated: March 9, 2022



JOSEPH C. SPERO
Chief Magistrate Judge